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TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [EG](#)
SUBJECT: EGYPT: JUDGES CLUB STORM OUT OF "CONSULTATION" AS
JUDICIARY BILL MOVES FORWARD

REF: CAIRO 3006

Classified by ECPO Counselor John Desrocher for reasons 1.4
(b) and (d).

11. (C) Summary: The dispute between the Judges Club and the GOE, which prompted major demonstrations and a violent crackdown in May, is heating up again. Leaders of the Judges Club (JC) stormed out of a June 4 meeting with the Ministry of Justice, where they had been invited to consult on the GOE's new draft judiciary law. A key member of the JC leadership denounced the GOE's initiative to include the Club in deliberations as a "farce." The GOE's draft judiciary bill was forwarded to the Council of Ministers for review on June 7 and will be sent to parliament before the end of the month. The JC are considering striking in protest, but an activist closely tied to the group predicted the strikes, if called, will not attract enough participation to force the GOE's hand. End summary.

12. (C) A lull in the feud between the Judges Club and the executive, represented by the Ministry of Justice and the appointed Supreme Judicial Council, followed the anti-climactic outcome of the May 18 disciplinary hearing (reftel). The disciplinary tribunal closed with the acquittal of activist judge Ahmed Mekky and the issuance of a meaningless reprimand to his colleague Judge Hisham Bastawissy. Both judges had been charged with defaming their colleagues by exposing fraud in the fall 2005 parliamentary elections. While judges, and their supporters in the activist community, were generally dissatisfied with the outcome, many expressed relief that the worst-case scenario - the dismissal of the two judges from the bench - did not come to pass.

13. (SBU) Following the hearing, Bastawissy, who had suffered a heart attack on May 17, was visited in the hospital on May 20 by Minister of Justice Aboul Leil. The picture of the Minister kissing the bed-ridden Bastawissy on the head appeared on the front pages of several Cairo newspapers and was interpreted by many observers as a gesture that would allow both sides to turn the page and settle their differences quietly.

14. (C) In early June, the GOE publicized its intent to invite the Judges Club leadership to consult with the Ministry of Justice team drafting the new judiciary law. The offer appeared to be a potential breakthrough: the issuance of a new judicial law, with provisions that would strengthen the (currently dubious) independence of the judiciary, has been a core demand of the Judges Club since it stepped up its public activism in the spring of 2005.

15. (C) However, the prospect that these consultations would herald a new phase of amity and cooperation between the executive and the judiciary was dashed quickly after the June 4 meeting began. Five members of the Club leadership, including the outspoken club president Zakaria Abdel Aziz, walked out after half an hour, angrily telling reporters that their Ministry hosts had refused to provide them with a draft of the law, "instead they asked us to write down our suggestions about something we have never seen," JC representative Nagy Derbala told the media.

16. (C) While they had not been shown a copy of the draft, the JC representatives told reporters, they were told that the bill's text does not include key Club demands - and instead retains for the Minister ultimate authority over judicial promotions and assignments, and fails to accord legal status to the JC as a recognized professional organization. The revelations that the draft fell far short of the JC's demands prompted Abdel Aziz to term the bill "The Abuse of the Judiciary Law" rather than "the Independence of the Judiciary Law."

17. (C) The draft was forwarded to the Council of Ministers on the morning of June 7. The Council will review the bill and send it on to parliament for approval before the end of the month. The Judges Club leadership has reportedly sent

telegrams to President Mubarak and Prime Minister Nazif pleading for their intervention and urging that the Club be included in a meaningful consultation process before the draft is forwarded to parliament for approval. The Club is expected to hold an emergency meeting on the evening of June 7 to consider their options. Nasser Amin (protect), head of the Arab Center for the Independence of the Judiciary the Legal Profession (ACIJLP), an NGO with close ties to the Club, told us that the judges are running out of options.

18. (C) While the leadership may decide to call a strike, Amin expected that although a majority of Egypt's judges support the Club, less than 500 of the Egypt's would actually participate in a sustained strike to protest the new law. While 500 striking judges could slow down Egypt's wheels of justice (which already move slowly), their absence would not put enough pressure on the GOE to give in to the Club's demands. A strong supporter of the Club and the cause of enhancing judicial independence, Amin admitted to us he was becoming fatalistic - the GOE will get its way on the judiciary law this year and Egypt's judges will have little choice but to accept defeat, at least for the time being.

JONES